

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**WILLIAM CHERNE,**  
**Plaintiff,**

**V.**

**JET EXPRESS, INC., T&B TRUCKING, L.L.C.,  
and CRAIG W. WHEELER,  
Defendants.**

**No:**

**FILED: MAY 22, 2008**

08CV2987

**AEE**

**JUDGE ANDERSEN**

**MAGISTRATE JUDGE NOLAN**

## NOTICE OF REMOVAL

TO THE CLERK OF THE ABOVE ENTITLED COURT:

PLEASE TAKE NOTICE that Defendants Jet Express, Inc., T&B Trucking, L.L.C., and Craig W. Wheeler, hereby remove to this Court the state court action described below.

On May 9, 2008 this action was commenced in the Cook County Circuit Court, Cook County, Illinois, entitled William Cherne, Plaintiff v. Jet Express, Inc., T&B Trucking, L.L.C., and Craig W. Wheeler, Defendants, Case Number 2008 L 005145.

Defendants were served with a summons on May 12, 2008, and received a copy of Plaintiff's Complaint at Law on May 12, 2008. This Notice is timely.

Copies of all process, pleadings and orders served upon these Defendants in this state court action are attached hereto as Exhibit A.

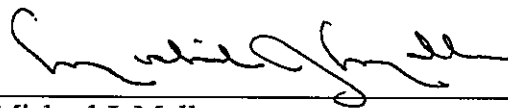
This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. 1332, and is one which may be removed to this Court by Defendants pursuant to provisions of 28 U.S.C. 1441 (b) and 28 U.S.C. 1446 in that it is a civil action between

citizens of different state, none of the Defendants are citizens of Illinois and the matter in controversy exceeds \$75,000, exclusive of interests and costs. Attorneys for Plaintiff William Cherne have issued a settlement demand of \$950,000.

Defendants are informed and believe that Plaintiff William Cherne was and still is a citizen of Illinois. Defendant Jet Express was, at the time of the filing of this action, and still is, a corporation incorporated under the laws of Ohio, having its principal place of business in the state of Ohio. Defendant T&B Trucking, L.L.C. was, at the time of the filing of this action, and still is, a limited liability corporation incorporated under the laws of Ohio, having its principal place of business in the state of Ohio. Defendant Craig W. Wheeler was, at the time of the filing of this action, and still is, a citizen of the state of Ohio. None of the Defendants are citizens of the state of Illinois; none of the Defendants are incorporated in Illinois; none of the Defendants have their principal place of business in Illinois.

Respectfully Submitted,

KRALOVEC & MARQUARD, CHTD.



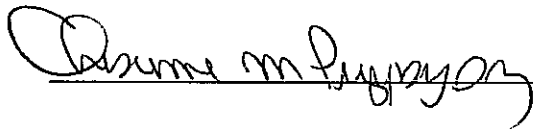
Michael J. Mullen  
Attorney for Defendants, Jet Express, Inc.,  
T&B Trucking, L.L.C. and  
Craig W. Wheeler

Michael J. Mullen  
KRALOVEC & MARQUARD, CHTD.  
55 West Monroe Street  
Suite 1000  
Chicago, Illinois 60603  
(312) 346-6027  
A.R.D.C. #06182941


**AFFIDAVIT OF MAILING**

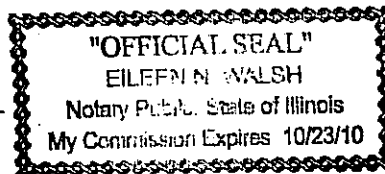
Christine M. Przybysz, being first duly sworn, upon oath, deposes and says that affiant served a copy of the foregoing Notice of Removal by enclosing a copy of the same in a sealed envelope, postage prepaid, deposited in the U.S. Mail Chute at 55 West Monroe Street, Chicago, Illinois, before the hour of 5:00 p.m. on the 22<sup>nd</sup> day of May, 2008; said envelope being addressed as follows:

Patrick E. Dwyer  
Dwyer McCarthy & Associates  
39 S. LaSalle, #610  
Chicago, Illinois 60603

  
\_\_\_\_\_

Subscribed and Sworn to before me  
this 22nd day of May, 2008.

  
\_\_\_\_\_  
Notary Public



B38566L

#41368  
STATE OF ILLINOIS)  
COUNTY OF COOK)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION

WILLIAM CHERNE.

Plaintiff,

Y.

JET EXPRESS, INC., T&B TRUCKING,  
LLC., and CRAIG W. WHEELER

Defendant.

No. 08 I

5145

MAY -9 PM 12:02  
 ACCOUNT OF COOK  
 MURDER OF MARTIN LUTHER KING, JR.  
 CHATTANOOGA DIV.  
 CLERK  
 CHATTANOOGA DIVISION

## COMPLAINT AT LAW

Now comes the plaintiff, WILLIAM CHERNE, (CHERNE), by and through his attorneys, DWYER, MCCARTHY AND ASSOCIATES, LTD. and complaining of the defendants, JET EXPRESS, INC., (JET), T&B TRUCKING LLC., (T&B), and CRAIG W. WHEELER (WHEELER) individually and as agent, servant, and/or employee of JET and T&B, states as follows:

1. On the 31<sup>st</sup> day of July 2006, State Route 17 was a public highway running in a general East and West direction and East Road was likewise a public highway running in a general North and South direction in or near the City of Kankakee, State of Illinois, and said highways intersected each other.

2. At the time and place aforesaid, State Route 17 was a two lane highway located in a generally rural area east of Kankakee, Illinois.

**EXHIBIT**

A

3. At the time and place aforesaid, the Plaintiff, CHERNE, was driving a tractor-trailer rig for his employer, Cassens Transport Co., in a general westbound direction on Route 17 near the intersection with East Road.

4. At the time and place aforesaid, Defendant, WHEELER, was acting as a driver employee, agent, and/or servant of JET and/or T&B and was driving in the State of Illinois at the direction of JET and T & B.

5. That at all times relevant, WHEELER was driving a truck owned and operated by JET and/or T&B.

6. That at all times relevant all of the defendants were residents of the State of Ohio in this JET, ATKINSON and T & B were incorporated in Ohio and Wheeler was a resident of Ohio.

7. At the time and place aforesaid the Defendant WHEELER, operated, maintained, managed, and/or controlled a truck owned by JET and/or T&B in a general eastbound direction on State Route 17 and was driving a tractor-trailer rig in an eastbound direction in the westbound lanes of State Route 17.

8. At the time and place aforesaid, the Defendant, WHEELER, acting as an agent, driver servant, and/or employee of JET and/or T&B had a duty to exercise due care in the operation of his employers truck to avoid colliding into and injuring others.

9. That at the time and place stated the defendant WHEELER, while driving east on State Route 17, struck the front of the vehicle driven by CHERNE at a high rate of speed while going east in the westbound lane.

10. At the time and place aforesaid the Defendants, JET and/or T&B and WHEELER, acting through their agents, servants, and/or employees, and WHEELER, individually, and as an

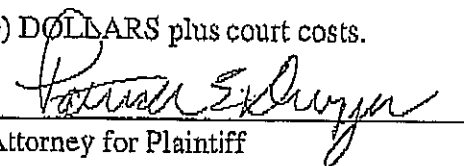
agent, servant, and/or employee of JET and/or T&B, were then and there guilty of one or more of the following acts:

- a. Carelessly and negligently operated, maintained, managed, and/or controlled the truck so that as a direct and proximate result thereof, the plaintiff was injured;
- b. Carelessly and negligently operated a truck without keeping a proper and sufficient lookout;
- c. Carelessly and negligently operated a truck at a rate of speed that was greater than reasonable and proper with regard to traffic conditions, weather, road conditions and the use of the highway in violation of 625 ILCS 5/11-601;
- d. Carelessly and negligently failed to have brakes adequate to control the movement of and to stop and hold such vehicle so as to avoid the collision, in violation 625 ILCS 5/12-301;
- e. Carelessly and negligently failed to steer his vehicle to avoid a collision;
- f. Carelessly and negligently failed to apply his brakes to avoid a collision;
- g. Carelessly and negligently failed to sound his horn to warn Plaintiff that he was about to change lanes, in violation of 625 ILCS 5/12-601;
- h. Carelessly and negligently drove his vehicle on the left hand side of a two way roadway in violation of 625 ILCS 5/11-701(a).
- i. Carelessly and negligently drove his vehicle on the left hand side of the roadway in violation of 625 ILCS 5/11-701(b).
- j. Carelessly and negligently changed lanes in violation of 625 ILCS 5/11-709(a).
- k. Carelessly and negligently drove a vehicle with faulty steering mechanisms.
- l. Carelessly and negligently fell asleep at the wheel and lost control of his vehicle.
- m. Carelessly and negligently failed to use all practical means to avoid a collision.
11. As a direct and proximate result of one or more of the aforesaid wrongful acts of

the Defendants, JET and/or T&B, acting through their agents, servants, and/or employees, and WHEELER, individually, and as an agent, servant, and/or employee of JET and/or T&B, the Plaintiff, WILLIAM CHERNE, was injured, both internally and externally, and sustained severe

and permanent injuries, especially to his neck and left shoulder, and has, and will be, hindered and prevented from attending to his normal duties and affairs of life, and has lost, and will lose, great sums in lost wages. Further, Plaintiff suffered great pain and suffering, both in mind and body, and will in the future, continue to suffer. Plaintiff further expended and became liable for, and will become liable for, large sums of money for medical care and services endeavoring to become healed and cured of said injuries.

WHEREFORE, Plaintiff, WILLIAM CHERNE, prays for judgment against the Defendants, JET EXPRESS, INC., T&B TRUCKING LLC., and CRAIG W. WHEELER, in a sum in excess of FIFTY THOUSAND (\$50,000.00) DOLLARS plus court costs.

  
Attorney for Plaintiff

#41368  
Patrick E. Dwyer  
DWYER, MCCARTHY & ASSOCIATES, LTD.  
39 South LaSalle Street, Suite 610  
Chicago, IL 60603  
(312) 782-7482

B 38566L

2120 - Served  
 2220 - Not Served  
 2320 - Served By Mail  
 2420 - Served By Publication  
 SUMMONS

2121 - Served  
 2221 - Not Served  
 2321 - Served By Mail  
 2421 - Served By Publication  
 ALIAS - SUMMONS

CCG N001-10M-1-07-05 ( )

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
 COUNTY DEPARTMENT, LAW DIVISION

(Name all parties)

William Cherne,  
 plaintiff,

v.

Jet Express, Inc., T & B Trucking, LLC, and Craig W. Wheeler  
 defendant.

2008L005145  
 CALENDAR/ROOM F  
 TIME 00:00  
 PI Motor Vehicle

No. 08 L

PLEASE SERVE:  
 Secretary of State  
 Jesse White  
 17 N. State Street, Suite 1000  
 Chicago, IL 60602

## SUMMONS

To each Defendant:

YOU ARE SUMMONED and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance, and pay the required fee, in the Office of the Clerk of this Court at the following location:

- ☒ Richard J. Daley Center, 50 W. Washington, Room 801, Chicago, Illinois 60602
- |  |   |   |
|--|---|---|
| <input type="checkbox"/> District 2 - Skokie<br>5600 Old Orchard Rd.<br>Skokie, IL 60077       | <input type="checkbox"/> District 3 - Rolling Meadows<br>2121 Euclid<br>Rolling Meadows, IL 60008 | <input type="checkbox"/> District 4 - Maywood<br>1500 Maybrook Ave.<br>Maywood, IL 60153          |
| <input type="checkbox"/> District 5 - Bridgeview<br>10220 S. 76th Ave.<br>Bridgeview, IL 60455 | <input type="checkbox"/> District 6 - Markham<br>16501 S. Kedzie Pkwy.<br>Markham, IL 60426       | <input type="checkbox"/> Child Support<br>28 North Clark St., Room 200<br>Chicago, Illinois 60602 |

You must file within 30 days after service of this Summons, not counting the day of service.

IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE RELIEF REQUESTED IN THE COMPLAINT.

To the officer:

This Summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this Summons shall be returned so endorsed. This Summons may not be served later than 30 days after its date.

MAY 09 2008

Atty. No.: 41368

Name: Dwyer, McCarthy &amp; Associates, Ltd

Atty. for: Plaintiff

Address: 39 S. LaSalle St., Suite 610

City/State/Zip: Chicago, IL. 60603

Telephone: 312-782-7482

Service by Facsimile Transmission will be accepted at:

WITNESS, DOROTHY BROWN  
 CLERK OF CIRCUIT COURT

Clerk of Court

Date of service: \_\_\_\_\_  
 (To be inserted by officer on copy left with defendant  
 or other person)

(Area Code) (Facsimile Telephone Number)

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**WILLIAM CHERNE,**  
**Plaintiff,**

**V.**

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and CRAIG W. WHEELER,  
Defendants.**

**Case No:**

FILED: MAY 22, 2008

08CV2987

**AEE**

**JUDGE ANDERSEN**


MAGISTRATE JUDGE NOLAN

**NOTICE OF FILING**

To: Mr. Patrick E. Dwyer  
Dwyer McCarthy & Associates  
39 South LaSalle Street, #610  
Chicago, Illinois 60603

PLEASE TAKE NOTICE that on May 22, 2008, we filed with the Clerk of the United States District Court for the Northern District of Illinois, APPEARANCES and NOTICE OF REMOVAL, copies of which are attached hereto and served upon you.

KRALOVEC & MARQUARD, CHTD.

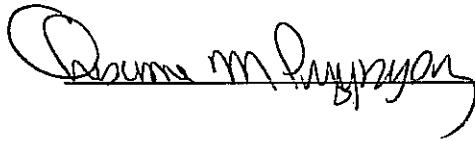
By:   
Attorneys for Defendants,  
Jet Express, Inc., T&B Trucking,  
L.L.C. and Craig W. Wheeler

**KRALOVEC & MARQUARD, CHTD.**  
55 West Monroe Street, Suite 1000  
Chicago, Illinois 60603  
(312) 346-6027

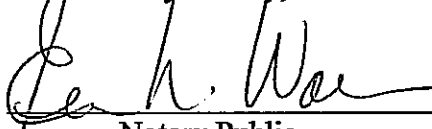
**AFFIDAVIT OF MAILING**

Christine M. Przybysz, being first duly sworn, upon oath, deposes and says that affiant served a copy of the foregoing Notice of Filing, Appearances and Notice of Removal by enclosing copies of the same in a sealed envelope, postage prepaid, deposited in the U.S. Mail Chute at 55 West Monroe Street, Chicago, Illinois, before the hour of 5:00 p.m. on the 22<sup>nd</sup> day of May, 2008; said envelope being addressed as follows:

Patrick E. Dwyer  
Dwyer McCarthy & Associates  
39 S. LaSalle, #610  
Chicago, Illinois 60603

  
\_\_\_\_\_

Subscribed and Sworn to before me  
this 22<sup>nd</sup> day of May, 2008.

  
\_\_\_\_\_  
Notary Public

